

Docket # PF-0319-2 DIV

"Express Mail" mailing label number EL 856 147 088 US : I hereby certify that this document and referenced attachments are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR § 1.10, addressed to: Commissioner for Patents, Box Patent Application, Washington, D.C. 20231 on February 5, 2002

By: Emmett J. Mullin  
Emmett Mullin

Printed: Emmett J. Mullin  
Emmett J. Mullin

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
REQUEST FOR FILING A PATENT APPLICATION UNDER 37 CFR 1.53(b)

Commissioner for Patents  
Box Patent Application  
Washington, D.C. 20231

Dear Sir:

This is a request for filing a DIVISIONAL application under 37 CFR 1.53(b) of pending prior application Serial No.09/206,646, filed on December 7, 1998, which is a divisional application of U.S. Serial No. 08/873,093, filed June 11, 1997, now U.S. Patent No. 5,853,997, both of which are entitled PROTEIN PHOSPHATASE.

1. X Enclosed is a specification corresponding to the prior application, U.S. Application Serial No.09/206,646, filed December 7, 1998, which is a divisional application of U.S. Serial No. 08/873,093, filed June 11, 1997, now U.S. Patent No. 5,853,997, including the oath or declaration as originally signed. The specification does not contain any subject matter that would have been new matter in the prior application.
2.    With regard to the requirement of 37 CFR 1.821(e) which requires that a copy of the Sequence Listing in computer readable form (CRF) be submitted, Applicants state that the paper copy of the Sequence Listing for the instant divisional application is identical with the computer readable form filed with Serial No. -----, filed -----, to which priority is claimed. In accordance with 37 C.F.R. §1.821(e), please use the computer readable form filed with U.S. Application Serial No. ----- as the computer readable form for the instant divisional application. It is understood that the Patent and Trademark Office will make the necessary change in application number and filing date for the computer readable form that will be used for the instant divisional application.
3. X Cancel in this application original claims 2-10, 13-28, 46-57 before calculating the filing fee, without prejudice or disclaimer. Applicants submit that these claims were included in the application as filed in the interest of providing notice to the public of certain specific subject matter intended to be claimed, and are being canceled at this

time in the interest of reducing filing costs. Applicants expressly state that these claims are not being canceled for reasons related to patentability, and are in fact fully supported by the specification as filed. Applicants expressly reserve the right to reinstate these claims or to add other claims during prosecution of this application or a continuation or divisional application. Applicants expressly do not disclaim the subject matter of any invention disclosed herein which is not set forth in the instantly filed claims.

4.  The inventor(s) of the invention being claimed in this application is (are): Olga Bandman, Surya K. Goli, Preeti Lal, Neil C. Corley, and Hong Zhang.
5.  In accordance with 37 CFR 1.63(d) a copy of the originally signed declaration showing applicants' signatures as filed on June 11, 1997 is enclosed.
6.  Amend the specification by inserting after the title: "This application is a divisional application of U.S. application serial number 09/206,646, filed December 7, 1998 , all of which applications and patents are hereby incorporated herein by reference."
7.  The filing fee is calculated below:

Claims	Number Filed	Minus	Number Extra	Other Than Small Entity Rate		Basic Fee
				Fee	\$740.00	
Total Claims	20	-20	0	x \$18	0	\$ 0
Indep. Claims	2	-3	0	x \$84	0	\$0
Multiple Dependent Claim(s), if any				+ \$280		\$0

**TOTAL FILING FEE \$ 740.00**

8.  An extension of time in the above-named prior application has been requested and the fees therefore have been authorized in said application.
9.  Please charge Deposit Account No. 09-0108 in the amount of \$ 740.00 .

The Commissioner is hereby authorized to charge any additional fees which may be required or credit any overpayment to Deposit Account No. 09-0108.

A duplicate copy of this Request is enclosed.

10.  New formal drawings are enclosed.

11.  The prior application is assigned of record to Incyte Pharmaceuticals, Inc., recorded on November 6, 1997, at reel 8789/frame 0271.

12.  A preliminary amendment is enclosed.

13.  Also enclosed: a) Submission of Formal Drawings;  
b) Information Disclosure Statement and List of References Cited by Applicants;  
c) Copy of Substitute Sequence Listing and Submission Statement previously filed on 08/02/01.

14.  The power of attorney of the prior application is to:

Lucy J. Billings	Reg. No. 36,749
Michael C. Cerrone	Reg. No. 39,132
Diana Hamlet-Cox	Reg. No. 33,302
Richard C. Ekstrom	Reg. No. 37,027
Barrie D. Greene	Reg. No. 46,740
Lynn E. Murry	Reg. No. 42,918
Shirley A. Recipon	Reg. No. 47,016
Susan K. Sather	Reg. No. 44,316
Michelle M. Stempien	Reg. No. 41,327
David G. Streeter	Reg. No. 43,168

— The associate power of attorney in the prior application is to:

a.  A Certificate Under 3.73(b), Revocation of Power of Attorney and Appointment of New Attorneys is attached.

b.  Since the power does not appear in the original papers, a copy of the power in the prior application is enclosed.

c.  Address all future correspondence to:

INCYTE GENOMICS, INC.  
PATENT DEPARTMENT  
3160 Porter Drive  
Palo Alto, California 94304  
Phone: (650) 855-0555, Fax: (650) 845-4166

Date: 05 February 2002

By:

Richard C. Ekstrom

Richard C. Ekstrom

Reg. No. 37,027

Direct Dial Telephone: (650) 843-7352

- Inventor(s)
- Assignee of complete interest
- Attorney or agent of record
- Filed under 37 CFR 1.34(a)
- Registration number if acting under 37 CFR 1.34(a) \_\_\_\_\_

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**SUBSTITUTE DECLARATION AND POWER OF ATTORNEY FOR  
UNITED STATES PATENT APPLICATION**

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name, and

I believe that I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if more than one name is listed below) of the subject matter which is claimed and for which a United States patent is sought on the invention entitled

**HUMAN PROTEIN PHOSPHATASE**

the specification of which:

/ is attached hereto.

/X was filed on February 5, 2002 as application Serial No. 10/072,130 and if this box contains an X /, was amended on \_\_\_\_\_.

/ was filed as Patent Cooperation Treaty international application No. \_\_\_\_\_ on \_\_\_\_\_, if this box contains an X /, was amended on under Patent Cooperation Treaty Article 19 on \_\_\_\_\_, and if this box contains an X /, was amended on \_\_\_\_\_.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge my duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56(a).

I hereby claim the benefit under Title 35, United States Code, §119 or §365(a)-(b) of any foreign application(s) for patent or inventor's certificate indicated below and of any Patent Cooperation Treaty international applications(s) designating at least one country other than the United States indicated below and have also identified below any foreign application(s) for patent or inventor's certificate and Patent Cooperation Treaty international application(s) designating at least one country other than the United States for the same subject matter and having a filing date before that of the application for said subject matter the priority of which is claimed:

Country	Number	Filing Date	Priority Claimed
_____	_____	_____	// Yes // No
_____	_____	_____	// Yes // No

I hereby claim the benefit under Title 35, United States Code, §119(e) of any United States provisional application(s) listed below.

Application <u>Serial No.</u>	Filed	Status (Pending, <u>Abandoned, Patented</u> )
----------------------------------	-------	--

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in said prior application(s) in the manner required by the first paragraph of Title 35, United States Code §112, I acknowledge my duty to disclose material information as defined in Title 37 Code of Federal Regulations, §1.56(a) which occurred between the filing date(s) of the prior application(s) and the national or Patent Cooperation Treaty international filing date of this application:

Application <u>Serial No.</u>	Filed	Status (Pending, <u>Abandoned, Patented</u> )
----------------------------------	-------	--

I hereby appoint the following:

Lucy J. Billings	Reg. No. 36,749
Jenny Buchbinder	Reg. No. 48,588
Diana Hamlet-Cox	Reg. No. 33,302
Joel Harris	Reg. No. 44,743
Richard C. Ekstrom	Reg. No. 37,027
Barrie D. Greene	Reg. No. 46,740
Lori L. Kerber	Reg. No. 41,113
Gina C. Nellesen	Reg. No. 52,062
Shirley A. Recipon	Reg. No. 47,016
Cathleen M. Rocco	Reg. No. 46,172
Susan K. Sather	Reg. No. 44,316
Michelle M. Stempien	Reg. No. 41,327
David G. Streeter	Reg. No. 43,168
James M. Verna	Reg. No. 33,287
Yu-Mei Eureka Wang	Reg. No. 50,510

respectively and individually, as my patent attorneys and/or agents, with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith. Please address all communications to:



**Third Joint Inventor:**

Full name: PREETI G. LAL  
Signature: \_\_\_\_\_  
Date: \_\_\_\_\_, 2003  
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Residence: Santa Clara, California  
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                  Santa Clara, California 95056

**Fourth Joint Inventor:**

Full name: NEIL C. CORLEY  
Signature: \_\_\_\_\_  
Date: \_\_\_\_\_, 2003  
Citizenship: United States  
Residence: Castro Valley, California  
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                  Castro Valley, California 94552

**Fifth Joint Inventor:**

Full name: HONG ZHANG  
Signature: \_\_\_\_\_  
Date: \_\_\_\_\_, 2003  
Citizenship: PR of China  
Residence: Hollister, California  
P.O. Address: 1215 Quail Ridge Way  
                  Hollister, California 95023



**COPY**

Docket N .: PF-0319 US

**DECLARATION AND POWER OF ATTORNEY FOR  
UNITED STATES PATENT APPLICATION**

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,  
and

I believe that I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if more than one name is listed below) of the subject matter which is claimed and for which a United States patent is sought on the invention entitled

**NEW PROTEIN PHOSPHATASE**

the specification of which:

is attached hereto.

was filed on \_\_\_\_\_ as application Serial No. \_\_\_\_\_ and if this box contains an X , was amended on \_\_\_\_\_.

was filed as Patent Cooperation Treaty international application No. \_\_\_\_\_ on \_\_\_\_\_, 19\_\_\_\_\_, if this box contains an X , was amended on under Patent Cooperation Treaty Article 19 on \_\_\_\_\_ 19\_\_\_\_\_, and if this box contains an X , was amended on \_\_\_\_\_.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge my duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56(a).

I hereby claim the benefit under Title 35, United States Code, §119 or §365(a)-(b) of any foreign application(s) for patent or inventor's certificate indicated below and of any Patent Cooperation Treaty international applications(s) designating at least one country other than the United States indicated below and have also identified below any foreign application(s) for patent

or inventor's certificate and Patent Cooperation Treaty international application(s) designating at least one country other than the United States for the same subject matter and having a filing date before that of the application for said subject matter the priority of which is claimed:

Country	Number	Filing Date	Priority Claimed
			/ / Yes / / No
			/ / Yes / / No

I hereby claim the benefit under Title 35, United States Code, §119(e) of any United States provisional application(s) listed below.

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in said prior application(s) in the manner required by the first paragraph of Title 35, United States Code §112, I acknowledge my duty to disclose material information as defined in Title 37 Code of Federal Regulations, §1.56(a) which occurred between the filing date(s) of the prior application(s) and the national or Patent Cooperation Treaty international filing date of this application:

Application Serial No.	Filed	Status (Pending, Abandoned, Patented)

I hereby appoint the following:

**LUCY J. BILLINGS**  
**MICHAEL C. CERRONE**

Registration No. 36,749  
Registration No. 39,132

respectively and individually, as my attorneys and/or agents, with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith. Please address all communications to:

**LUCY J. BILLINGS, ESQ.**  
**INCYTE PHARMACEUTICALS, INC.**  
**3174 PORTER DRIVE, PALO ALTO, CA 94304**

**TEL: 415-855-0555**      **FAX: 415-845-4166**

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

**\*IMPORTANT:** Before this declaration is signed, the parent application (the specification, the claims and this declaration) must be read and understood by each person signing it, and no changes may be made in the application after this declaration has been signed.

**Sole Inventor or  
First Joint Inventor:**

Full name: OLGA BANDMAN  
Signature: Olga Bandman  
Date: 10 June 1997

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P.O. Address: 366 Anna Avenue  
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**Second Joint Inventor:**

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Residence: Sunnyvale, California  
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**Third Joint Inventor:**

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Preeti Lal

10<sup>th</sup> June 1997

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**Fourth Joint Inventor:**

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**NEIL C. CORLEY**

Neil C. Corley

JUNE 10 1997

Date:

Citizenship:

United States of America

Residence:

Mountain View, California

P.O. Address:

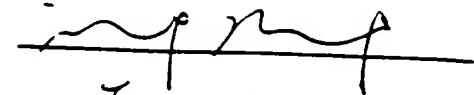
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**Fifth Joint Inventor:**

Full name:

**HONG ZHANG**

Signature:



Date:

June 10 1997

Citizenship:

PR China

Residence:

Pleasant Hills, California

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